

1912: Bom. Act XII.] *Abkari Amendment.*
1912: Bom. Act XIII.] *Limitation.*

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39. In section 61 of the said Act, the words "or Act XVI of 1863" *Amendment of section 61.*
(*An Act to make special provision for the levy of the Excise duty payable on spirits used exclusively in arts and manufactures or in chemistry*)" are hereby repealed.

40. In section 62 of the said Act,

Amendment of section 62.

(a) after the words "any such article" the words "or class of such articles" shall be inserted;

(b) after the words "local area or place" the words "or generally" shall be inserted.

41. After section 63 of the said Act the following shall be inserted:—

New section 64.

[Vol. II of this Code.]

XVI of 1863. 42. "The Excise (Spirits) Act, 1863," shall be repealed as to the Presidency of Bombay.

Local repeal of Act XVI of 1863.

BOMBAY ACT No. XIII OF 1912.¹

[THE INDIAN LIMITATION (AMENDMENT) ACT, 1912.]

[29th November, 1912.]

An Act to amend the Indian Limitation Act, 1908.

IX of 1908. WHEREAS it is expedient to amend the ²Indian Limitation Act, 1908, in the manner hereinafter appearing:

AND WHEREAS the previous sanction of the Governor General required by section 5 of the ³Indian Councils Act, 1892, has been obtained for the passing of this Act; It is hereby enacted as follows:—

1. This Act may be called the Indian Limitation (Amendment) Act, Short title. 1912.

IX of 1908. 2. Notwithstanding anything contained in the ²Indian Limitation Act, Amendment 1908, hereinafter called "the said Act", in computing the period of two *of section 31.* years mentioned in section 31 of the said Act in the case of any suit by a

¹For Statement of Object and Reasons, see Bombay Government Gazette, 1912, Part VII, page 536 and for Proceedings in Council, see *ibid*, 1912, Part VII, pages 787 and 866.

²General Acts, Vol. VI.

³See now section 50A of the Government of India Act.

mortgagee for foreclosure or for sale for which a certificate granted under section 46 of the 'Dekkhan Agriculturists' Relief Act, 1879, is required the time intervening between the application made by the mortgagee under section 39 of the last mentioned Act, and the institution of such suit shall be excluded, provided that such suit has already been instituted, or is instituted within six months from the commencement of this Act; and no such suit shall be dismissed on the ground that the certificate was not obtained within the year immediately preceding the filing of the suit. XVII of 1879.

Applicability of section 4 of the Indian Limitation Act, 1908.

3. The period of two years mentioned in section 31 of the said Act shall for the purposes of this Act be deemed to be a period of limitation within the meaning of section 4 of the said Act.

Retrospective effect of section 3.

4. The provisions of section 3 shall be deemed to have come into operation from the seventh day of August, 1908.

Provision for restoration of suits.

5. (1) Where the claim of a mortgagee for foreclosure or for sale for which a certificate granted under section 46 of the 'Dekkhan Agriculturists' Relief Act, 1879, is required has been wholly or in part dismissed or withdrawn after the seventh day of August, 1910, and before the commencement of this Act either in a Court of first instance or of appeal or of revision, and the Court on application made as hereinafter provided is satisfied that such claim was so dismissed or withdrawn on the ground that— XVII of 1879.

(a) the time intervening between the application made by the mortgagee under section 39 of the 'Dekkhan Agriculturists' Relief Act, 1879, and the grant of the certificate under section 46 of the last mentioned Act or the institution of the suit, as the case may be, could not be excluded in computing the period of two years mentioned in section 31 of the said Act, or XVII of 1879.

(b) the certificate was not obtained within the year immediately preceding the filing of the suit, or

(c) the period of two years mentioned in section 31 of the said Act was not a period of limitation within the meaning of section 4 of the said Act,

the case shall be restored on an application in writing to the Court, by which the claim was dismissed or in which it was withdrawn; provided that such application is made within six months from the commencement of this Act.

(2) Where any such claim as aforesaid has been dismissed for failure to prosecute such claim after the seventh day of August, 1910, and before the commencement of this Act either in a Court of first instance or of appeal or of revision, and the Court on application made as hereinafter provided is satisfied that such failure was due to the belief that such claim, if prosecuted, would be dismissed for any of the grounds specified in clauses (a), (b) and (c) of sub-section (1),

the case shall be restored on an application in writing to the Court by which the claim was dismissed; provided that such application is made within six months from the commencement of this Act.

(3) The provisions of sections 2, 3 and 4 shall apply to any case restored under either of the foregoing sub-sections.

XVII of
1879.

6. Any application by the mortgagee under section 39 of the ¹Dekkhān Provision Agriculturists' Relief Act, 1879, in respect of any claim for sale or foreclosure as to which the mortgagee was entitled to the benefit of the two years' period mentioned in section 31 of the said Act, made on or before the eighth day of August, 1910, and dismissed after the twenty-third day of February, 1911, shall be restored to the file of the Conciliator provided that the application for such restoration is made within two months from the commencement of this Act. Provision for restoration of applications.

7. Nothing in this Act shall affect the interests of third parties that may have come into existence between the twenty-third of February, 1911, and the ^{Third parties protected.} twenty-eighth of September, 1912.

BOMBAY ACT NO. I OF 1913.²

[THE CITY OF BOMBAY IMPROVEMENT (AMENDMENT) ACT, 1913.]

[3rd January, 1913.]

An Act further to amend the City of Bombay Improvement Act, 1898.

Bom. Act IV
of 1898.

WHEREAS it is expedient further to amend the ³City of Bombay Improvement Act, 1898, hereinafter called "the said Act," in manner hereinafter appearing; It is hereby enacted as follows:--

1. This Act may be called the City of Bombay Improvement (Amendment) Act, 1913. Short title.

¹ Vol. I of this Code.

² For Statement of Objects and Reasons, see Bombay Government Gazette, 1912, Part VII, page 435; for Report of Select Committee, see *ibid*, 1912, Part VII, page 537; and for Proceedings in Council, see *ibid*, 1912, Part VII, pages 633 and 790.

³ Vol. IV of this Code.